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**COPYRIGHT ACT
(CHAPTER 63)**

**COPYRIGHT
(BORDER ENFORCEMENT MEASURES)
(AMENDMENT) REGULATIONS 2018**

In exercise of the powers conferred by section 202 of the Copyright Act, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the Copyright (Border Enforcement Measures) (Amendment) Regulations 2018 and come into operation on 10 October 2018.

Deletion and substitution of regulation 2

2. Regulation 2 of the Copyright (Border Enforcement Measures) Regulations (Rg 5) (called in these Regulations the principal Regulations) is deleted and the following regulation substituted therefor:

“Definitions

2. In these Regulations —

“authorised officer”, “copyright material” and “Director-General” have the meanings given by section 140A of the Act;

“officer of customs” has the meaning given by section 3(1) of the Customs Act (Cap. 70).”.

New regulations 9A, 9B and 9C

3. The principal Regulations are amended by inserting, immediately after regulation 9, the following regulations:

“Written undertakings for forfeiture by consent of copies seized on request

9A. For the purposes of section 140G(1) of the Act, or that provision as applied by section 254B of the Act, the prescribed written undertakings are that the importer must —

- (a) propose an arrangement for the disposal of the seized copies for the Director-General’s approval; and
- (b) dispose of the seized copies in accordance with an arrangement approved by the Director-General —
 - (i) within one month after the date of a notice given by the Director-General; and
 - (ii) under the supervision of an officer of customs.

Written undertakings for forfeiture by consent of copies detained under section 140LA of Act

9B.—(1) The prescribed written undertakings for the provisions mentioned in paragraph (2) are that the exporter or the consignee (as the case may be) must —

- (a) propose an arrangement for the disposal of the detained copies for the Director-General’s approval; and
- (b) dispose of the detained copies in accordance with an arrangement approved by the Director-General —
 - (i) within one month after the date of a notice given by the Director-General; and
 - (ii) under the supervision of an officer of customs.

(2) The provisions in paragraph (1) are the following:

- (a) section 140G(1) of the Act as applied by section 140LA(5)(b) of the Act;
- (b) the provisions mentioned in sub-paragraph (a) as applied by section 254B of the Act.

Disposal of seized or detained copies forfeited by consent

9C.—(1) This regulation applies to any seized or detained copies that are forfeited to the Government under any of the following:

- (a) section 140G(3) of the Act;
- (b) section 140G(3) of the Act as applied by section 254B of the Act;
- (c) section 140G(3) of the Act as applied by section 140LA(5)(b) of the Act;
- (d) the provisions mentioned in sub-paragraph (c) as applied by section 254B of the Act.

(2) Upon forfeiture of the seized or detained copies, the copies must be disposed of by the importer, exporter or consignee (as the case may be) in accordance with an arrangement approved by the Director-General —

- (a) within one month after the date of a notice given by the Director-General; and
- (b) under the supervision of an officer of customs.

(3) If the importer, exporter or consignee (as the case may be) does not dispose of the copies within the period mentioned in paragraph (2)(a), the Director-General must dispose of those copies in such manner as the Director-General thinks fit.”.

Amendment of Schedule

4. The Schedule to the principal Regulations is amended —

- (a) by deleting the words “or expense which it may incur as a result of seizing the goods” in paragraph 6(a) of Forms 1 and 2 and substituting in each case the words “or reasonable expense it is likely to incur in relation to the seizure, storage and disposal of the goods”;
- (b) by deleting the words “a company” in paragraph (5) under the *Explanatory Notes* in Forms 1 and 2 and substituting in each case the words “an entity”; and

(c) by deleting the words “the company” wherever they appear in paragraph (5) under the *Explanatory Notes* in Forms 1 and 2 and substituting in each case the words “the entity”.

Made on 10 September 2018.

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